



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.waterboards.ca.gov/sanfranciscobay>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460

Arnold Schwarzenegger  
Governor

## AGENDA

Wednesday, May 14, 2008  
9:00 a.m.

Elihu M. Harris Building  
First Floor Auditorium  
1515 Clay Street  
Oakland, CA 94612

Approximate Time<sup>1</sup>

- 9:00 a.m.    1.    **Roll Call and Introductions**
2.    **Public Forum**

*Any person may address the Water Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda. Comments will generally be limited to three minutes, unless otherwise directed by the Chair. Comments regarding matters that are scheduled for a future Meeting will generally be prohibited. The public is encouraged to visit the Board's website [[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/public\\_notice.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/public_notice.shtml)] or contact Board staff to determine whether a matter has been scheduled for a future Meeting.*

**3. Minutes of the February 13, 2008 Board Meeting**

[Staff Summary Report](#)  
[Minutes of the February 13, 2008 Board Meeting](#)

**4. Chairman's, Board Members', and Executive Officer's Reports**

[Staff Summary Report](#)  
[Executive Officer's Report](#)

**5. Consideration of Uncontested Non-Enforcement Items (See Notes)**

[Staff Summary Report](#)

<sup>1</sup> The "approximate time" indicated is an estimate of when the agenda item is expected to be considered by the Board. The Board will follow these times as closely as possible. However, the estimates are provided for convenience and are not legally binding on the Board.

- \*A. **Novato Sanitary District, Novato Wastewater Treatment Plant and Ignocio Wastewater Treatment Plant, Novato, Marin County** – Amendment of NPDES Permit [Bill Johnson 622-2354, [wjohnson@waterboards.ca.gov](mailto:wjohnson@waterboards.ca.gov)]

[Staff Summary Report, Tentative Revised Permit Amendment, Revised Fact Sheet, Comment Letter, and Responses to Comments](#)

- \*B. **Clover Flat Landfill, Inc., Vista Corporation, Clover Flat Landfill, Calistoga, Napa County** – Adoption of Updated Waste Discharge Requirements and Rescission of Order Nos. 88-058 and 91-160 [Keith Roberson 622-2404, [kroberson@waterboards.ca.gov](mailto:kroberson@waterboards.ca.gov)]

[Staff Summary Report](#)  
[Tentative Order](#)

- \*C. **California Groundwater Awareness Month** – Status Report on the Importance of Groundwater to All Californians [Mary Rose Cassa 622-2447, [mcassa@waterboards.ca.gov](mailto:mcassa@waterboards.ca.gov)]

[Staff Summary Report](#)  
[Staff report](#)  
[Attachment 1](#)  
[Ground Water-Surface Water Interaction Fact Sheet](#)  
[Stormwater Regulation and Groundwater/Surface Water Interaction Fact Sheet](#)

6. [Consideration of Uncontested Enforcement Items \(See Notes\)](#)

- \*A. **Contra Costa County Sanitation District No. 5, Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County** – Rescission of Cease and Desist Order and Time Schedule Order [Adrienne Miller 622-2415, [admiller@waterboards.ca.gov](mailto:admiller@waterboards.ca.gov)]

[Staff Summary Report and Tentative Order](#)

- \*B. **Novato Sanitary District, Novato Wastewater Treatment Plant and Ignocio Wastewater Treatment Plant, Novato, Marin County** – Issuance of Cease and Desist Order [Bill Johnson 622-2354, [wjohnson@waterboards.ca.gov](mailto:wjohnson@waterboards.ca.gov)]

[Staff Summary Report, Revised Fact Sheet, Tentative Cease and Desist Order, Comment Letter and Responses to Comments](#)

## **PLANNING**

7. **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish New Water Quality Objectives and a Total Maximum Daily Load and Implementation**

**Plan for Mercury in Waters of the Guadalupe River Watershed –**  
Hearing to Consider Testimony on Proposed Basin Plan Amendment  
(No Action Will Be Taken) [Carrie Austin 622-1015,  
[caustin@waterboards.ca.gov](mailto:caustin@waterboards.ca.gov)]

[Staff Summary Report](#)  
[Appendix A: Proposed Basin Plan Amendment](#)  
[Appendix B: Staff Report](#)  
[Appendix C: Comment Letters](#)

## **NPDES PERMITS AND CEASE AND DESIST ORDERS**

- 8a. **Dow Chemical Company, Pittsburg Plant,  
Pittsburg, Contra Costa County** – Reissuance of NPDES Permit  
[Vince Christian 622-2336, [vchristian@waterboards.ca.gov](mailto:vchristian@waterboards.ca.gov)]

[Staff Summary Report](#)  
[Tentative Order](#)  
[Response to Written Comments](#)

- 8b. **Dow Chemical Company, Pittsburg Plant,  
Pittsburg, Contra Costa County** – Issuance of Cease and Desist Order  
[Vince Christian 622-2336, [vchristian@waterboards.ca.gov](mailto:vchristian@waterboards.ca.gov)]

[Staff Summary Report](#)  
[Tentative Cease and Desist Order](#)  
[Response to Written Comments](#)

- 9a. **Marin County Sanitary District No. 5, Sanitary District No. 5  
Wastewater Treatment Plant, Tiburon, Marin County** – Reissuance of  
NPDES Permit [Derek Whitworth 622-2349,  
[dwhitworth@waterboards.ca.gov](mailto:dwhitworth@waterboards.ca.gov)]

[Staff Summary Report, Revised Tentative Order, Comment Letters and  
Responses to Comments](#)

- 9b. **Marin County Sanitary District No. 5, Sanitary District No. 5  
Wastewater Treatment Plant, Tiburon, Marin County** – Issuance of  
Cease and Desist Order [Derek Whitworth 622-2349,  
[dwhitworth@waterboards.ca.gov](mailto:dwhitworth@waterboards.ca.gov)]

[Staff Summary Report, Revised Tentative Cease and Desist Order,  
Comment Letters and Responses to Comments](#)

## **OTHER BUSINESS**

10. **Environmental Screening Levels** – Status Report  
[Elizabeth Allen 622-2332, [eallen@waterboards.ca.gov](mailto:eallen@waterboards.ca.gov)]

[Staff Summary Report](#)

11. **Correspondence**
- 11:30 – 12:30 p.m. 12. **Closed Session – Personnel**  
The Board may meet in closed session to discuss personnel matters.  
[Authority: Government Code Section 11126(a)].
13. **Closed Session – Litigation**  
The Board will meet in closed session to discuss litigation,  
*Walnut Creek Manor, LLC v. California Regional Water Quality Control Board for the San Francisco Bay Region, et al.*  
(Contra Costa County Superior Court Case No. 07-0557) and  
*Mayhew Center, LLC v. Regional Water Quality Control Board, San Francisco Bay Region, et al.*  
(Contra Costa County Superior Court Case No. 07-0513).  
[Authority: Government Code Sections 11126(e)(2)(B)(i) and 11126(e)(2)(C)(i)].
14. **Closed Session – Deliberation**  
The Board may meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence. [Authority: Government Code Section 11126(c)(3)].
15. **Adjournment to the next Board meeting – July 8 & 9, 2008**

## NOTES ON WATER BOARD AGENDA

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**Agenda Annotations** – \*Uncontested item, expected to be routine and non-controversial. Recommended action will be taken at the beginning of the meeting without discussion. Any interested party, Board member or the Executive Officer may request that an item be removed from the Uncontested Items Calendar, and it will be taken up in the order indicated by the agenda.

**Availability of Agenda Items** - Staff reports and tentative orders or resolutions are available one week before the meeting at [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay). Copies of agenda items may be obtained at the Board's office after 9 a.m. on the Thursday preceding the Board meeting from the staff member indicated on the agenda.

**Conduct of Board Meetings** - Items may not be considered in numerical order. Board meetings are accessible to people with disabilities. Individuals who require special accommodations should contact the Executive Assistant at least 5 working days before the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Materials presented to the Water Board as part of testimony that is to be made part of the record must be left with the Board. These include photographs, slides, charts, diagrams, etc. Anyone intending to make a presentation using slides, overheads, computer graphics, or other media should coordinate with the staff member for the agenda item in advance of the meeting.

Some Board members may attend a meeting by teleconference. At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based on evidence introduced in a hearing. [Government Code section 11126(a), (d) and (q)]

**Administrative Civil Liabilities and Mandatory Minimum Penalties** - A discharger may waive the right to a hearing on an agenda item for an ACL or MMP. If there is a waiver, no hearing will be held unless new, substantial information is made available that was not considered during the public comment period.

**Petition of Water Board Actions** - Any person adversely affected by a Water Board action may petition the State Water Resources Control Board for review of that action. Pursuant to section 2050© of Title 23 of the California Code of Regulations, such a petition shall be limited to substantive issues or objections that were raised before the Water Board at the Board meeting or in timely submitted written correspondence delivered to the Water Board. A petition must be received by the State Board within 30 days of the Water Board meeting at which action was taken. Copies of the law and regulations applicable to filing petitions for review will be provided upon request. See Title 23 of the California Code of Regulations, sections 2050 – 2068.

**Contributions to Board Members** - All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Water Board must submit a statement to the Board disclosing any contribution of \$250 or more to be used in a State, federal, or local election, made by the action supporter or opponent or his or her agent, to any Board member within the past 12 months.

All permit applicants and all persons who actively support or oppose adoption of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for 3 months following a Board decision on a permit application.

**Water Quality Certification** – To obtain information regarding pending Section 401 Certification applications, call 622-2300.

## **CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - San Francisco Bay Region**

1515 Clay Street, Suite 1400, Oakland, CA 94612 • (510) 622-2300 • Fax (510) 622-2460

Internet Address: <http://www.waterboards.ca.gov/sanfranciscobay>

### **Water Board Members**

<b>Name</b>	<b>City of Residence</b>	<b>Appointment Category</b>
John Muller, Chair	Half Moon Bay	Irrigated Agriculture
Terry F. Young, Vice Chair	Oakland	Recreation, Fish & Wildlife
Shalom Eliahu	Lafayette	Water Supply
James McGrath	Berkeley	Water Quality
Steven M. Moore	Sausalito	Industrial Water Use
William E. Peacock	Redwood City	Undesignated (Public)
Rameshwar Singh	San José	Water Quality
Vacancy		Municipal Government
Vacancy		County Government

### **Water Board Staff**

#### ***Executive Officer***

Bruce H. Wolfe

#### ***Assistant Executive Officers***

Thomas Mumley

Dyan Whyte

#### ***Counsel to the Board***

Dorothy Dickey

Yuri Won

#### ***Executive Assistant Coordinator***

Mary E. Tryon

#### ***Management Services Division***

Anna Torres, Chief

#### ***Communications***

Sandia Potter

#### ***North Bay Watershed Management Division***

Wilfried Bruhns, Chief

Susan Gladstone, Section Leader

William Hurley, Section Leader

#### ***South Bay Watershed Management Division***

Shin-Roei Lee, Chief

Dale C. Bowyer, Section Leader

Keith Lichten, Section Leader

Judy Kelly, Project Manager

#### ***Groundwater Protection/ Waste Containment Division***

Curtis T. Scott, Chief

Terry Seward, Section Leader

John E. Kaiser, Section Leader

Gina Kathuria, Section Leader

#### ***Permits Division***

Lila Tang, Chief

Bill Johnson, Section Leader

Christine Boschen, Section Leader

#### ***Toxics Cleanup Division***

Stephen Hill, Chief

John D. Wolfenden, Section Leader

Anders G. Lundgren, Section Leader

Chuck Headlee, Section Leader

Mary Rose Cassa, Section Leader

#### ***Planning and TMDL Division***

Vacancy, Chief

Naomi Feger, Section Leader

James Ponton, Section Leader

The primary responsibility of the Water Board is to protect and enhance the quality of regional surface water and groundwater for beneficial uses. This duty is carried out by formulating, adopting, and implementing water quality plans for specific water bodies, by prescribing and enforcing requirements on waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Meetings of the Water Board normally are held on the second Wednesday of each month in the Elihu M. Harris State Office Building, First Floor Auditorium, 1515 Clay Street, Oakland. They are scheduled to begin at 9:00 a.m.

The purpose of the meetings is to provide the Board with an opportunity to receive testimony and information from concerned and affected parties and to make decisions after considering the evidence presented. A public forum is held at the beginning of each general meeting where persons may speak on matters within the Board's jurisdiction that are not specific agenda items. The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action.

Written testimony must be received prior to the Board meeting by the date indicated by staff. Verbal comments made at the Board meeting should only summarize the written material.

Tape recordings are made of each Board meeting and these tapes are retained in the Board's office for two years. Anyone desiring copies of these tapes may, at their own expense, arrange to have duplicate tapes made by contacting the Executive Assistant at (510) 622-2399. A copy of the written transcript may be obtained by calling California Shorthand Reporting at (415) 457-4417.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
San Francisco Bay Region  
Summary of Board Actions Taken at the Regular Meeting  
April 9, 2008**

**Enforcement Action**

**Referral to Attorney General**

Resolution No. R2-2008-0023      Adoption of Resolution Authorizing Referral to  
Attorney General for Judicial Enforcement of November 2007 Oil Spill – **Cosco Busan Oil Spill**

**NPDES Permit and Waste Discharge Requirements**

Adopted Order No. R2-2008-0017    Rescission of NPDES Permit and Waste Discharge Requirements for  
**Hanson Aggregates Marine Operations, Waterfront Road and Marina Vista Sand Reclamation  
Facilities, Martinez, Contra Costa County**

**Waste Discharge Requirements**

Adopted Order No. R2-2008-0018    Adoption of Updated Waste Discharge Requirements, and Rescission  
of Waste Discharge Requirements Order No. 97-009 for **Cypress-Amloc Land Company, Hillside Class  
III Waste Disposal Site, Colma, San Mateo County**

**Site Cleanup Requirements**

Adopted Order No. R2-2008-0019    Adoption of Updated Site Cleanup Requirements for **SFPP, L.P., an  
operating partner of Kinder Morgan Energy Partners, L.P., for the  
SFPP, L.P. Brisbane Terminal, Brisbane, San Mateo County**

Adopted Order No. R2-2008-0020    Adoption of Final Site Cleanup Requirements for **Union Pacific  
Railroad Company, for the property located at the former Southern Pacific Rail Spur, Ravenswood  
Industrial Area, East Palo Alto, San Mateo County**

Adopted Order No. R2-2008-0021    Revision of Final Site Cleanup Requirements for **Bourns, Inc., for the  
property located at 1500 Space Park Drive, Santa Clara, Santa Clara County**

### **Other Business**

Adopted Order No. R2-2008-0022

Adoption of Resolution Supporting Nomination to **State Water Resources Control Board's Emergency, Abandoned, Recalcitrant (EAR) Underground Storage Tank Account**

### **Information Item Requiring No Action**

Status Report      Case Closure Status Report for **Cleanup Programs**

### **Planning**

Public Hearing      Held Hearing to Consider Testimony on **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Pathogens in**

**Richardson Bay**

Public Hearing      Held Hearing to Consider Testimony on **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) for Sediment in Sonoma Creek and Implementation Plan for the TMDL and Related Habitat Enhancement Goals**

### **Other**

Status Report      Status Report on **Site Cleanup Programs**